

Remarks/Arguments

This Amendment is submitted in response to the first Office Action in this case. That Action is dated November 2, 2004. In the Action, the Examiner rejected all claims under 35 U.S.C. § 103 on the bases of different applications of three prior art U.S. Patent references, including Johnson, 5,160,842, Brogi et al., 5,734,335, and Wysocki et al., 5,381,338.

Applicant has carefully studied the filed contents of this patent application, the Examiner's comments, and the cited and applied prior art, and respectfully disagrees with the Examiner's position regarding patentability. Modest changes are proposed by this Amendment in the specification, in certain claims, and in the drawings, which changes variously (a) clarify the description of the invention, (b) correct an inadvertent typographical error in the specification (page 12), (c) correct an inadvertent error in Fig. 1 of the drawings as such were originally filed, and (d) introduce formal drawings. Claim 7 has been cancelled without prejudice in favor of currently amended claim 6.

Pages 1 and 2 in the Specification have been modestly amended to introduce earlier rather than later in the description of the invention language pointing out and emphasizing that critical alignment data, useable commonly in relation to plural regions along a fire perimeter, is airborne, high-elevation, atmospheric-condition (as distinguished from close-ground-associated) data gathered from a single region which is directly adjacent a single, airborne location. This important concept, which is part of the present invention, is clearly later described in the specification. In support of this statement, see especially: page 4, lines 17 and 18; page 6, lines 12-22, inclusive; page 7, line 21 to page 8 line 1; page 8, lines 3-7, inclusive; and page 13, lines 12-20, inclusive.

Here, at these locations in the specification, it is made very clear that critical alignment data is collected at a single, *high-elevation, aerial* site in the immediate vicinity of the illustrated airborne helicopter, and then downlinked for common uses in relation to fire activities occurring at a plural, different regions along a fire perimeter. Critical alignment data contains plural, as distinguished from singular, atmospheric parameters in order to be useful. Additionally, it is gathered, in accordance with practice of the present invention, and as it must be in order to be relevant and useful, aerially well over and remotely above a fire line where it cannot be compromised by ground-site, local-only data. Such ground-site specific data does not picture accurately the kind of important, more generalized conditions which a fire manager needs to know. The generalized, overhead critical alignment data which is captured in the practice of the present invention has powerful common relevance with respect to plural, different regions along a fire perimeter.

Modifications made to certain claims by the present Amendment emphasize this important concept of collecting overhead-generalized, critical alignment atmospheric data which is download-linked for use with respect to many locations on a fire line. No such collecting takes place at specific ground locations -- a collecting which would not give a high-level picture of meaningful critical alignment factors necessary for the most effective fire-management practices. All claims include this significant concept.

The cited and applied art simply fails to make this concept obvious. Johnson does not gather, and clearly does not commonly utilize, critical alignment data. Johnson, from an aerial location, *gathers ground-associated data -- not high-overhead, critical alignment, atmospheric data.* Brogi et al. does not gather overhead-generalized, and then commonly used, critical alignment data.

The data gathered by the Brogi et al. approach is definitively *local ground-site specific*. The concept of common utilization, as discussed herein in relation to the invention, pertains to *the common use of aerial, overhead-gathered, critical alignment data which is relevant for all regions along an overhead observed fire line*.

Even assuming that a combination of Johnson and Brogi et al. is permissible for some purposes, these two references do not collectively suggest the overhead gathering of true, generalized critical alignment information which is then employed as a guiding force in assessing the need to address fire conditions extant at plural, different regions along a widely distributed fire line. Johnson and Brogi et al. merely collect close-to-ground data which cannot function as critical alignment data.

The cited Wysocki et al. patent does nothing to mend the deficiencies of the Johnson and Brogi et al. references, and its proposed combination with these two other references therefore does not provide a basis for rejecting claims 5 and 8, as suggested by the Examiner.

No change proposed by the present Amendment introduces any new matter into this case.

For the above-given reasons, applicant asserts that all claims now present in this application, on the basis of entry of this Amendment, are clearly distinguishable over the cited and applied art, and are therefore allowable and patentable. Such affirmative and favorable action is thus respectfully solicited. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an

extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

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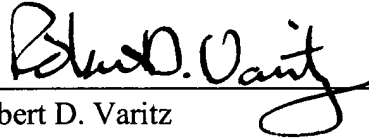
Respectfully Submitted,

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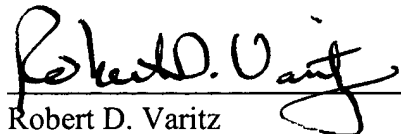
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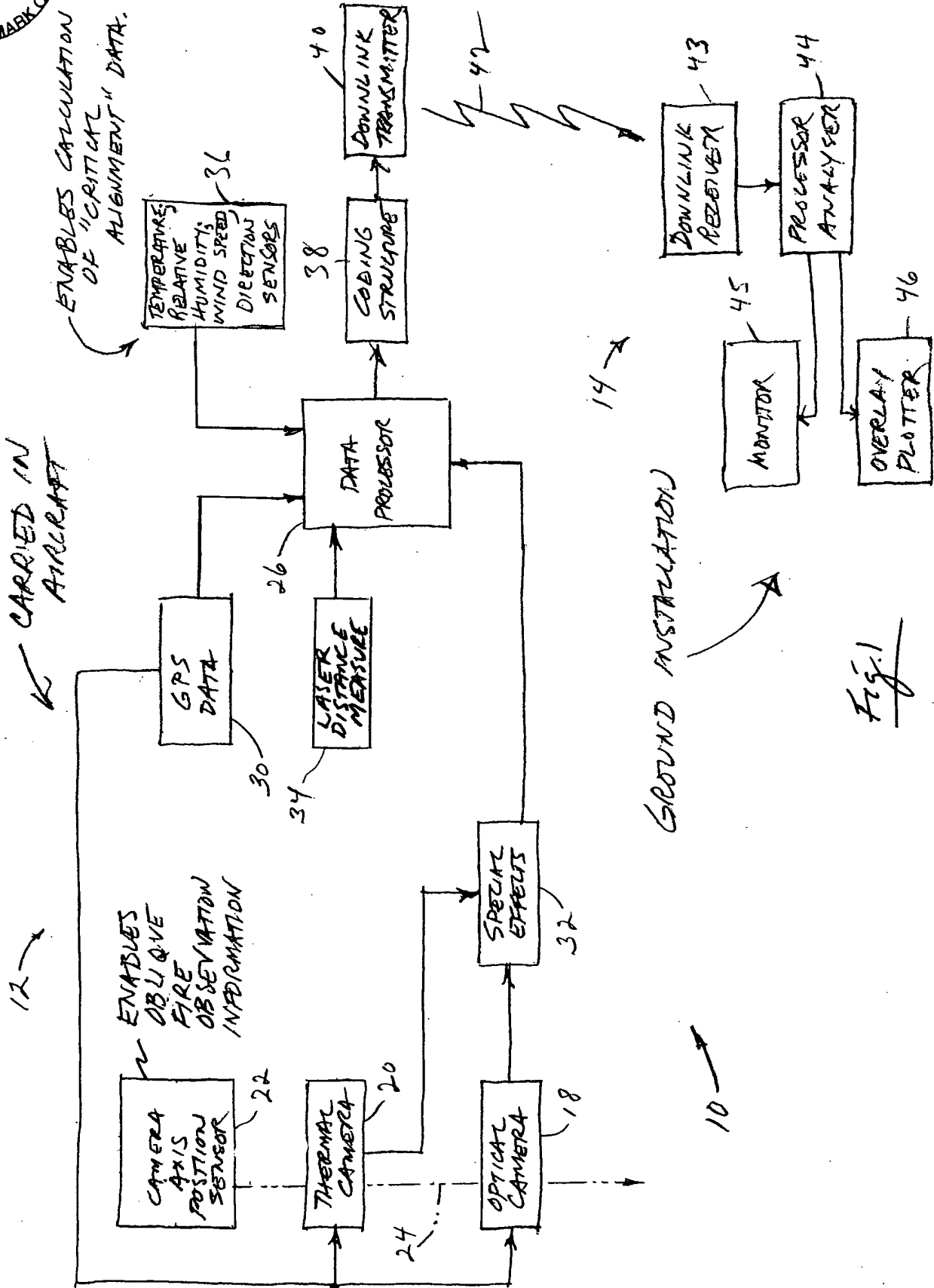
I hereby certify that the attached Response to Office Action under 37 C.F.R. § 1.111 and four-page Appendix are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 22313-1450


Robert D. Varitz

Amendments to the Drawings

Please substitute the Appendix-contained, two Replacement Sheets of Drawings for the Appendix-included, two Replaced Sheets of Drawings.



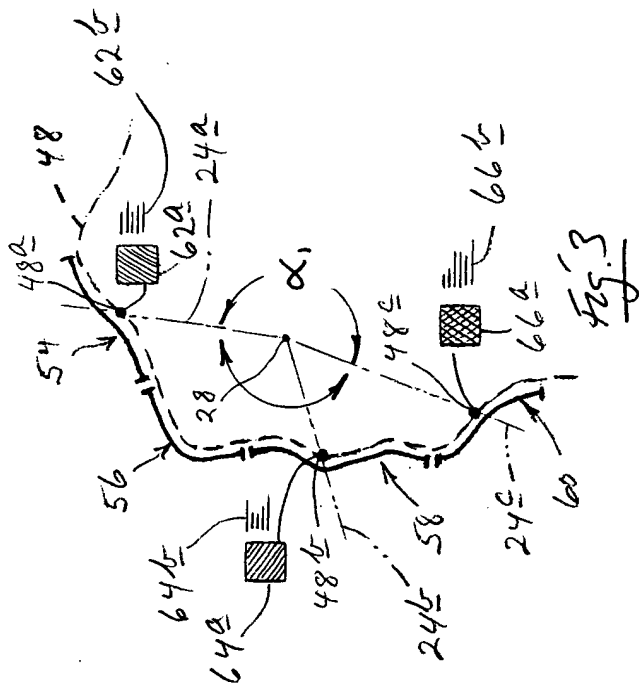


Fig. 3

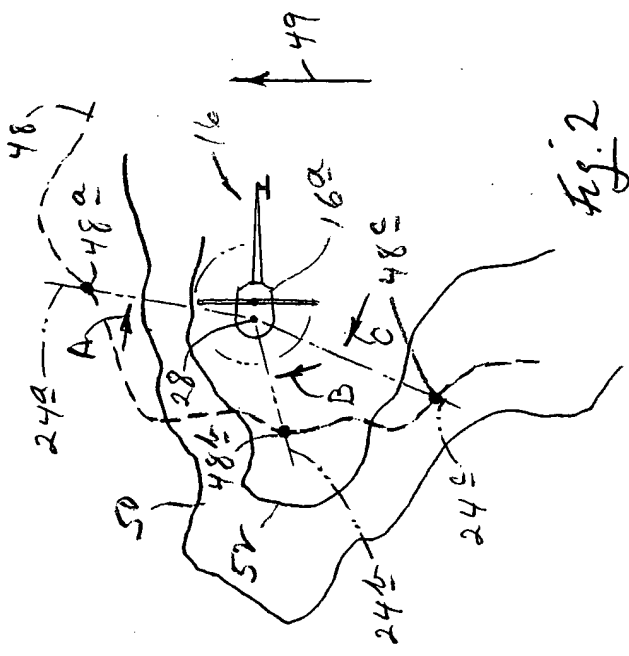


Fig. 2

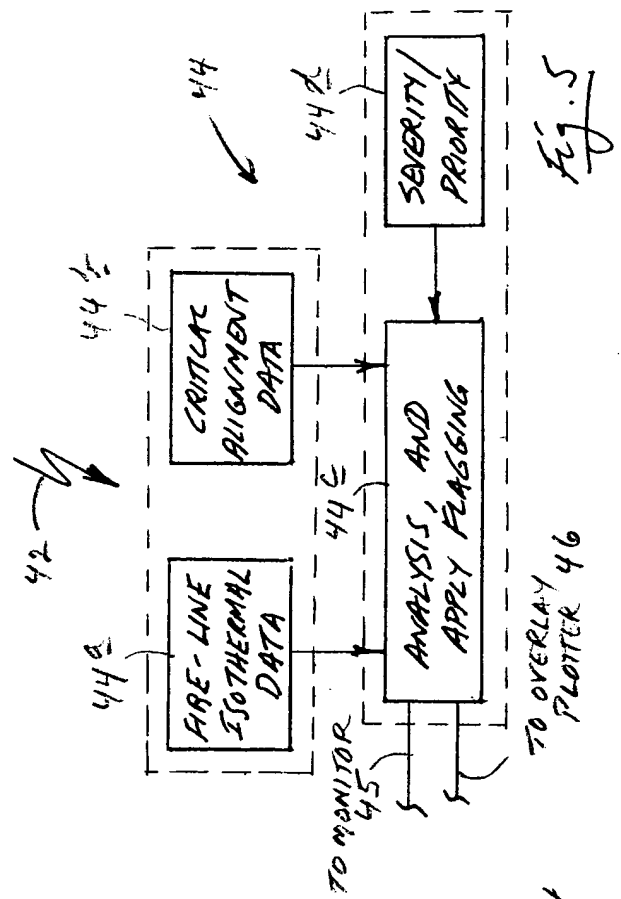


Fig. 5

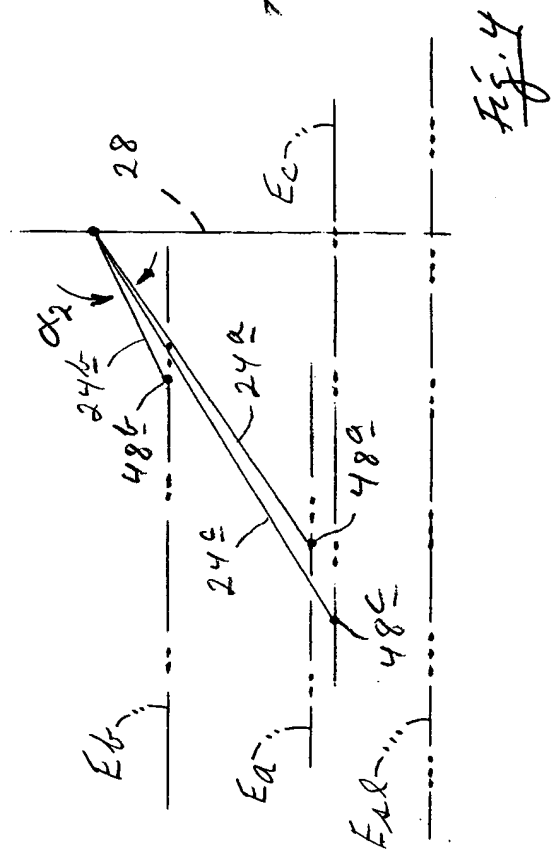


Fig. 4